



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number: # 16-13 **Revised**

Effective Date: Upon Receipt

Issuance Date: April 1, 2016

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
CHILD CARE SUBSIDY PROGRAM ADMINISTRATORS**

FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR

**RE: CHILD CARE SUBSIDY (CCS)/TEMPORARY CASH ASSISTANCE
(TCA) CASES FAIR HEARING PROCESS**

PROGRAM AFFECTED: TCA AND CCS

ORIGINATING OFFICE: BUREAU OF POLICY, RESEARCH, AND TRAINING (PRT)

SUMMARY:

This revised AT addresses a discrepancy we found in the first line under Action Required after the AT was released earlier this week on March 29th. The previous AT said the customer had 10 days to request an appeal. **The correct policy is 90 days from the date of the action.** We apologize for the confusion.

The purpose of this Action Transmittal is to address changes to the fair hearings process since Child Care Subsidy (CCS) eligibility determinations for TCA cases have transitioned back to Local Departments. The new fair hearings form is posted on FIPnet and is also available on MSDE's website at:

<http://earlychildhood.marylandpublicschools.org/families/child-care-subsidy-program/subsidy-forms>.

ACTION REQUIRED:

The customer must file the request for fair hearing within 90 days of the adverse action notice. All requests for a hearing must be in writing on the MSDE form. If the fair hearing request comes in on the wrong form, complete the MSDE form and staple it to the incorrect form. The forms must then be processed. The CCS case should be reviewed by a Lead Worker or a supervisor to determine the accuracy of the file. If the case is correct, forward the hearing request to your DSS's Hearings Coordinator upon receipt.

If there was a mistake, correct it and notify the customer. Ask the customer to withdraw the fair hearing request. If the customer chooses not to withdraw the hearing request, forward it to the Hearing Coordinator immediately.

Benefits must be continued or reinstated if the request for the hearing is within 10 calendar days of the action. However, assistance may not be continued or reinstated pending appeal if:

- (a) An appellant specifically requests that assistance not be continued or reinstated pending appeal;
- (b) The eligibility or certification period for the assistance has expired;
- (c) Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not appear to concern misapplication of the change;
- (d) Continuation or reinstatement of the service at issue would threaten the health or safety of other individuals; or
- (e) The service is terminated because of nonpayment by the family of the copayment stated on the voucher that was assigned.

If the Agency is upheld in its decision, the customer must repay all funds received during the fair hearing process. If the subsidy was terminated due to non-payment of co-pay, benefits cannot be continued or reinstated.

OAH will work directly with the Hearings Coordinator in each local department. The Office of Administrative Hearings will continue to "bundle" CCS appeal requests. Local Departments and XEROX (the MSDE CCS vendor) will receive the full docket of CCS cases, TCA and non TCA.

All fair hearings requests must be in writing using the appeal form found on FIPnet and also on the MSDE web site. We also attached a copy of it to this AT.

The Office of Administrative Hearings may be contacted in several ways.

By mail: **11101 Gilroy Road, Hunt Valley, Maryland 21031**

By telephone: **(410) 229-4100 or 1-800-388-8805**

The local department must present a hearing packet of information and represents the Agency at the hearing.

❖ Set up the hearing packet as outlined below:

- Local department hearing summary and any attachments.

- The OAH Notice of Hearing
 - Request for Hearing
 - Notice of Action, including the entire printout of the CCATS notice, must be included.
 - Authorization for representation and any other relevant legal document.
 - Every page of the application, including the backs of double-sided documents and the signature page.
 - Any evidence the local department has regarding the action taken such as: medical records, pay stubs, child support statements, letters to or from the customer, etc. WORKS narration, if the issue is non-compliance with a work requirement) relating to the action being appealed.
 - The pages of COMAR, the Manual, action transmittals and any other policy issuances or citations that support the local department decision.
- ❖ After you have finished assembling the hearing packet and **before making copies, number each page in the lower right corner.** Be sure to number all pages, including double-sided documents. Make a minimum of three (3) identical copies of the hearing packet. **You must be certain that you copy both sides of a double-sided document.** For example, the DHR/FIA 334 is a double-sided document.
- ❖ Send the hearing packet to the customer **no later than 6 days before the hearing** or the customer has the right to have the hearing postponed. If the customer has an attorney or representative, the customer's packet should be mailed to that individual. The hearing packet should be sent to the ALJ or presented to the ALJ at the hearing. If the packet is being mailed less than 10 days from the hearing, the ALJ may not receive it in time for the hearing. The original documents and a hearing packet are held at the local department.

ACTION DUE: Upon receipt.

INQUIRIES: Direct CCS policy or procedure inquiries to Clevon Moyd at clevon.moyd@maryland.gov at 410-767-4632. Questions for MSDE will be referred to MSDE by the Bureau of Policy, Research and Training.

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| c: | DHR Executive Staff FIA Management Staff Constituent Services | OTHS Help Desk Policy, Research and Training Staff MSDE |
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Enclosure